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State of New Jersey
Department of Law and Public Safety
Division of Gaming Enforcement
1300 Atlantic Avenue
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STATE OF NEW JERSEY
DOCKET NO.: 12-0648-FS

STATE OF NEW JERSEY, DEPARTMENT)	
OF LAW AND PUBLIC SAFETY,)	
DIVISION OF GAMING ENFORCEMENT,)	Civil Action
)	
Complainant,)	COMPLAINT
)	FOR FORFEITURE
v.)	
)	
THE AMOUNT OF \$7,923.52 IN GAMING)	
WINNINGS THEORETICALLY OWED TO)	
PATRONS GJ, HM, and IE by MARINA)	
DISTRICT DEVELOPMENT COMPANY, LLC)	
d/b/a BORGATA HOTEL, CASINO & SPA,)	
)	
Respondents.)	

Complainant, State of New Jersey, Department of Law and Public Safety,
Division of Gaming Enforcement ("Division"), located at 1300 Atlantic Avenue, Atlantic
City, New Jersey 08401, says:

COUNT I (GJ)

1. Respondent, Marina District Development Company, LLC d/b/a Borgata Hotel, Casino & Spa ("Borgata") is a New Jersey enterprise located at One Borgata Way, Atlantic City, New Jersey 08401.

2. Borgata is the holder of a casino license first issued on June 11, 2003, and continuously renewed thereafter. At all times relevant herein, Borgata was authorized to conduct casino gaming within its casino hotel facility.

3. N.J.S.A. 5:12-71.3, which governs the forfeiture of winnings by persons prohibited from gaming in licensed New Jersey casinos or simulcasting facilities, provides in relevant part:

a. A person who is prohibited from gaming in a licensed casino or simulcasting facility by any provision of P.L. 1977, c. 110 (C. 5:12-1 et seq.). . . shall not collect, in any manner or proceeding, any winnings or recover any losses arising as a result of any prohibited gaming activity.

b. For the purposes of P.L. 1977, c. 110 (C. 5:12-1 et seq.), any gaming activity in a licensed casino or simulcasting facility which results in a prohibited person obtaining any money or thing of value from, or being owed any money or thing of value by, the casino or simulcasting facility shall be considered, solely for purposes of this section, to be a fully executed gambling transaction.

c. In addition to any other penalty provided by law, any money or thing of value which has been obtained by, or is owed to, any prohibited person by a licensed casino or simulcasting facility as a result of wagers made by a prohibited person shall be subject to forfeiture, following notice to the prohibited person and opportunity to be heard. A licensed casino or simulcasting facility shall inform a

prohibited person of the availability of such notice on the division's Internet website when ejecting the prohibited person and seizing any chips, vouchers or other representative or money owed by a casino to the prohibited person as authorized by this subsection

4. N.J.A.C. 19:48-2.2(a), now N.J.A.C. 13:69G-2.2(a), provides that "[a]ny person may have his or her name placed on the self-exclusion list by submitting a request for self-exclusion in the form and manner required by this section."

5. N.J.A.C. 19:48-2.1, now N.J.A.C. 13:69G-2.1, defines "Self-exclusion list" as follows:

[A] list of names or persons who, pursuant to this subchapter, have voluntarily agreed to be excluded from all gaming activities and to be prohibited from collecting any winnings or recovering any losses at all licensed casinos and simulcasting facilities.

N.J.A.C. 13:69G-2.1 further defines "Self-excluded person" as "any person whose name is included, at his or her own request, on the self-exclusion list maintained by the Division."

6. Respondent GJ is a resident of New Jersey

7. On or about April 7, 2005, GJ requested that his name be permanently placed on the self-exclusion list. Thereafter, the Casino Control Commission ("Commission") notified all casino licensees, including Borgata, that GJ was a self-excluded person. Borgata caused GJ to be identified as a self-excluded

person within its computerized business records.

8. On March 3, 2012, GJ, then a self-excluded person, entered Borgata's licensed casino premises. He proceeded to a gaming table, specifically a Craps table, where he purchased gaming chips and commenced wagering. GJ was identified as a self-excluded person by Borgata, and was removed from the gaming table and prohibited from further gaming.

9. Borgata security personnel secured from GJ gaming chips in his possession valued at \$7,427, issued a receipt for the value to him and evicted him from the premises.

10. Based on the information set forth in Paragraphs 1 through 9 of this Complaint, GJ is barred by N.J.S.A. 5:12-71.3a from redeeming the \$7,427 in gaming chips as he was prohibited from engaging in gaming activity at Borgata.

11. Based on the information set forth in Paragraphs 1 through 9 of this Complaint, the gaming activity which resulted in GJ becoming a person theoretically owed \$7,427 by Borgata shall be considered, pursuant to N.J.S.A. 5:12-71.3b, and solely for purposes of N.J.S.A. 5:12-71.3, to be a fully executed gambling transaction.

12. Based on the information set forth in Paragraphs 1 through 9 of this Complaint, the \$7,427 in gaming chips theoretically owed to GJ by Borgata as a result

of wagers made by GJ is subject to forfeiture by order of the Division pursuant to N.J.S.A. 5:12-71.3c.

WHEREFORE, Complainant demands the following relief:

A. Judgment that on or about March 3, 2012, GJ was a person prohibited by N.J.S.A. 5:12-71.3 from gaming in Borgata;

B. Judgment that GJ is barred by N.J.S.A. 5:12-71.3a from redeeming the gaming chips having a value of \$7,427 arising as a result of his prohibited gaming activity at Borgata;

C. Judgment that the gaming activity which resulted in GJ becoming a person theoretically owed the \$7,427 in gaming chips by Borgata shall be considered, pursuant to N.J.S.A. 5:12-71.3b, and solely for the purpose of N.J.S.A. 5:12-71.3, to be a fully executed gambling transaction;

D. Judgment that the \$7,427 in gaming chips theoretically owed to GJ by Borgata as a result of wagers made by GJ is subject to forfeiture by order of the Division pursuant to N.J.S.A. 5:12-71.3c;

E. Judgment ordering the forfeiture of the \$7,427 in gaming chips theoretically owed to GJ by Borgata for disposition in accordance with the terms of

N.J.S.A. 5:12-71.3c; and

F. Judgment for such other and further relief as may be deemed just and appropriate under the circumstances.

COUNT II (HM)

13. Complainant repeats Paragraphs 1 through 5 of Count I as if fully set forth herein.

14. Respondent HM is a resident of New Jersey.

15. On or about April 9, 2010, HM requested that his name be permanently placed on the self-exclusion list. Thereafter, on April 12, 2010, the Commission notified all casino licensees, including Borgata, that HM was a self-excluded person. Borgata caused HM to be identified as a self-excluded person within its computerized business records.

16. On February 16, 2012, HM, then a self-excluded person, engaged in gaming activity, specifically, wagering at a slot machine located at Q-0711, at Borgata.

17. In the course of the events described in Paragraph 16 of this Complaint, HM utilized a player card issued by Borgata. Based upon his use of the

player card, Borgata's computer system identified HM as self-excluded and alerted Borgata personnel. Borgata detained HM and prohibited him from further wagering.

18. Borgata security personnel secured a gaming voucher, valued at \$86.52, from HM, issued him a receipt for the value, and evicted him from the premises.

19. Based on the information set forth in Paragraphs 13 through 18 of this Complaint, HM is barred by N.J.S.A. 5:12-71.3a from redeeming the gaming voucher valued at \$86.52 as he was prohibited from engaging in gaming activity at Borgata.

20. Based on the information set forth in Paragraphs 13 through 18 of this Complaint, the gaming activity which resulted in HM becoming a person theoretically owed \$86.52 by Borgata shall be considered, pursuant to N.J.S.A. 5:12-71.3b, and solely for purposes of N.J.S.A. 5:12-71.3, to be a fully executed gambling transaction.

21. Based on the information set forth in Paragraphs 13 through 18 of this Complaint, the gaming voucher in the amount of \$86.52 theoretically owed to HM by Borgata as a result of wagers made by HM is subject to forfeiture by order of the Division pursuant to N.J.S.A. 5:12-71.3c.

WHEREFORE, Complainant demands the following relief:

A. Judgment that on or about February 16, 2012, HM was prohibited by N.J.S.A. 5:12-71.3 from gaming in Borgata;

B. Judgment that HM is barred by N.J.S.A. 5:12-71.3a from redeeming the gaming voucher having a value of \$86.52 arising as a result of his prohibited gaming activity at Borgata;

C. Judgment that the gaming activity which resulted in HM becoming a person theoretically owed \$86.52 by Borgata shall be considered, pursuant to N.J.S.A. 5:12-71.3b, and solely for the purpose of N.J.S.A. 5:12-71.3, to be a fully executed gambling transaction;

D. Judgment that the gaming voucher having a value of \$86.52 theoretically owed to HM by Borgata as a result of wagers made by HM is subject to forfeiture by order of the Division pursuant to N.J.S.A. 5:12-71.3c;

E. Judgment ordering the forfeiture of the \$86.52 gaming voucher theoretically owed to HM by Borgata for disposition in accordance with the terms of N.J.S.A. 5:12-71.3c; and,

F. Judgment for such other and further relief as may be deemed just

and appropriate under the circumstances.

COUNT III (IE)

22. Complainant repeats Paragraphs 1 through 5 of Count I as if fully set forth herein.

23. Respondent IE is a resident of Connecticut.

24. On or about January 22, 2007, IE requested that his name be placed on the self-exclusion list for a term of 5 years. Thereafter, the Commission notified all casino licensees, including Borgata, that IE was a self-excluded person. Borgata caused IE to be identified as a self-excluded person within its computerized business records.

25. On July 13, 2012, IE, then still a self-excluded person, entered Borgata's licensed casino premises and proceeded to a gaming table in Borgata's Poker Room (PK-15). Thereafter, IE was identified as a possible self-excluded person by Borgata's surveillance department.

26. Borgata security personnel responded to PK-15 and determined the patron to be IE and, further, confirmed that IE was a self-excluded person.

27. Borgata security personnel secured from IE gaming chips in his possession valued at \$410, issued IE a receipt for the value, and evicted him from the premises.

28. On or about July 16, 2012, IE removed his name from the list of self-excluded persons.

29. Based on the information set forth in Paragraphs 22 through 28 of this Complaint, IE is barred by N.J.S.A. 5:12-71.3a from redeeming the \$410 in gaming chips as he was prohibited from engaging in gaming activity at Borgata.

30. Based on the information set forth in Paragraphs 22 through 28 of this Complaint, the gaming activity which resulted in IE becoming a person theoretically owed \$410 by Borgata shall be considered, pursuant to N.J.S.A. 5:12-71.3b, and solely for purposes of N.J.S.A. 5:12-71.3, to be a fully executed gambling transaction.

31. Based on the information set forth in Paragraphs 22 through 28 of this Complaint, the \$410 in gaming chips theoretically owed to IE by Borgata as a result of wagers made by IE is subject to forfeiture by order of the Division pursuant to N.J.S.A. 5:12-71.3c.

WHEREFORE, Complainant demands the following relief:

A. Judgment that on or about July 13, 2012, IE was a person prohibited by N.J.S.A. 5:12-71.3 and N.J.A.C. 19:48-2.2(a) from gaming in Borgata;

B. Judgment that IE is barred by N.J.S.A. 5:12-71.3a from redeeming the gaming chips having a value of \$410 arising as a result of his prohibited gaming activity at Borgata;

C. Judgment that the gaming activity which resulted in IE becoming a person theoretically owed \$410 in gaming chips by Borgata shall be considered, pursuant to N.J.S.A. 5:12-71.3b, and solely for the purpose of N.J.S.A. 5:12-71.3, to be a fully executed gambling transaction;

D. Judgment that the \$410 in gaming chips theoretically owed to IE by Borgata as a result of wagers made by IE is subject to forfeiture by order of the Division pursuant to N.J.S.A. 5:12-71.3c;

E. Judgment ordering the forfeiture of the \$410 in gaming chips theoretically owed to IE by Borgata for disposition in accordance with the terms of N.J.S.A. 5:12-71.3c; and,

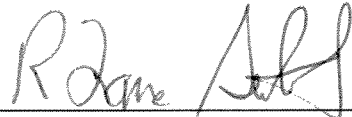
F. Judgment for such other and further relief as may be deemed just

and appropriate under the circumstances.

Respectfully submitted,

JEFFERY S. CHIESA

Attorney General of New Jersey

By: 
R. Lane Stebbins
Deputy Attorney General

Dated: August 28, 2012